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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Janssen et al.
Serial No.: 09/841,715
Filed: April 25, 2001
Attorney Docket No.: 00-40374-US
Examiner: Neil S. Levy
Group Art Unit: 1616
Title: PEDICULICIDAL AND OVACIDAL TREATMENT COMPOSITIONS
AND METHODS FOR KILING HEAD LICE AND THEIR EGGS

RESPONSE TO RESTRICTION REQUIREMENT

*Be
7-11-02*

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is being submitted in response to the Restriction Requirement
mailed June 5, 2002.

ELECTION OF INVENTION TO BE EXAMINED

In response to the Restriction Requirement dated June 5, 2002, Applicant respectfully traverses the restriction requirement on the basis that the distinctions set forth as the reasons necessitating restriction may not be patentable distinctions. Nonetheless, in response to the restriction requirement, Applicant hereby elects, without prejudice, Group I, claims 1-24. Accordingly, Applicant, in the event the traversal is unsuccessful, has herein canceled the non-elected claims 25-74 from the subject application.

Applicant traverses the rejection that claims 25 and 26 are patentably distinct from claims 1-24. Claims 25 and 25 are preferred embodiments of the invention claimed more broadly in Claims 1-24. Searches of prior art for the invention described in claims 1-24, would also be applicable to the specific embodiments claimed in claims 25 and 26.

The Examiner is requiring Applicant to elect a single disclosed species of stabilizers for prosecution on the merits to which the claims shall be restricted if no generic claim

is finally held to be allowable. Therefore, Applicant elects PVM/MA Decadiene crosspolymers as a species of stabilizers. Claims 2, 10-13, and 15-26 are readable on the elected species of stabilizer, PVM/MA Decadiene crosspolymer.

The Examiner is also requiring Applicant to elect a single disclosed species of active. Therefore, Applicant elects a mixture of spinosyn A and spinosyn D as a species of actives. Claims 1-26 are readable on the elected species of active, a mixture of spinosyn A and spinosyn D.

An early and favorable action on the present application is earnestly solicited.

Authorization of Deposit Account

The Commissioner is hereby authorized to charge any fees which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account 18-0586. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application.

Respectfully submitted,

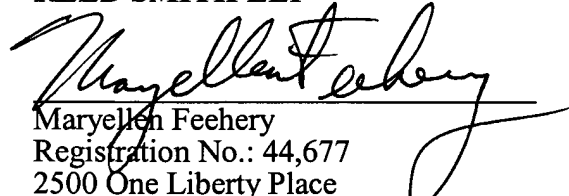
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